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10/701,085	11/04/2003	Michael Blane Dabney	952663-325966	4427
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Research Triangle Park, NC 27709			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/701,085	DABNEY ET AL.	
	Examiner	Art Unit	
	FOLASHADE ANDERSON	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10/28/2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 and 21-28 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) Claim(s) ____ is/are allowed.

6) Claim(s) 1-8 and 21-28 is/are rejected.

7) Claim(s) ____ is/are objected to.

8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. ____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.

5) Notice of Informal Patent Application

6) Other: ____.

DETAILED ACTION

1. **THIS ACTION IS MADE FINAL** in response to Applicant's submission filed on October 28, 2009.

Claim Status

2. Currently, claims 1-8 and 21-28 are pending. Claims 9-20 are canceled. Claims 1-4, 8, 21-24 and 28 are amended.

Priority

3. The Examiner has determined that the specification of US Patent 6,643,663 does not provide adequate support under 35 U.S.C. 112 to enable one of ordinary skill in the art at the time the invention was made to perform claims 1-8. Therefore for the purpose of examination claims 1-8 will not be given the benefit of the filing date of US Patent 6,643,663 and will be examined with respect to an effective filing date of 11/04/2003, see MPEP 706.02 (B).

Response to Amendment

4. Applicant's amendments to claim 1 is sufficient to overcome the *In re Bilski* based 35 U.S.C 101 rejection as set forth in the previous office action.

5. Applicant's amendments to claims 1-4, 8, 21-24 and 28 are sufficient to overcome the 35 U.S.C. 112, first paragraph rejection as set forth in the previous office action.

Response to Arguments

6. Applicant's argues with respect to the 35 U.S.C. 103(b) rejection set forth in the previous of action that Island Data does not teach or suggest with respect to claims 1 and 21:

- a. Feedback messages from customers containing comments on published content
- b. Routing the comments on published content to a content management system
- c. Generating a ticket message that is at least based on the comments regarding published content
- d. Determining that information in a message includes comments to publish content.

Applicants' arguments have been fully considered but they are not persuasive.

7. With respect to Applicant's argument (6.a.) Island Data teaches "express response receives internet-based customer queries from all online channels, including web forms, e-mail, FQA, chat and newsgroups," (Island Data, p. 4 at note 1) It is old and well known in the art that newsgroups are forums for discussing specific subjects for example cars, music, current events etc, including published content about these

subjects. The specification describes published content as information published on one or more websites for example DallasNews.com, DentonRD.com, (Instant Specification at par. 28). Therefore Island Data's newsgroups incorporate the concepts of comments on published content.

8. With respect to Applicant's argument (6.b.) Island Data teaches "Express Response is a hosted online customer service application [Interpreted to be the equivalent of content management system] . . . Express Response receives internet-based customer queries . . . Express Response analyzes each customer inquiry . . . Express Response searches its existing knowledgebase for applicable responses to the end user's inquiry," (Island Data, page 4). It is very old and well known in the art that any data transmitted i.e. received, sent via the internet is routed. The specification describes the content management system as being "directed to a content management system for receiving, editing, and distributing data across a network . . . is designed in a preferred embodiment to handle a certain workflow within an online publishing environment," (Instant Specification at par. 28, as described in U.S. Application 09/415,560 (US 6,643,663) at col. 3, lines 55-61). Thus the cited portions of Island Data renders the claimed limitation of "routing the comments on published content to a content management system," obvious to one of ordinary skill in the art at the time the inventions was made.

9. With respect to Applicant's argument (6.c.) it is noted that the argument is directed towards newly amended claim language, which have been fully addressed in the updated office action.

10. With respect to Applicant's argument (6.d.) Island Data teaches "Express Response receives . . . customer queries from . . . newsgroups . . . Express Response analyzes each customer inquiry using natural language processing techniques," (Island Data, page 4). Here the term analyzing is the equivalent of the claim step of determining. Further it is old and well known in the art that newsgroups are forums for discussing specific subjects for example cars, music, current events etc, including published content about these subjects. Thus the cited portions of Island Data renders the claimed limitation of "determining that information in a message includes comments to publish content" obvious to one of ordinary skill in the art at the time the inventions was made.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 4, 6, 7, 21, 24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Island Data (www.islanddata.com, published 09/24/2002) in view of Sloo (US Patent 5,895,450) and Bice et al (2002/0188688 A1).

Claim 1 and 21

Claim 1 Island Data teaches a method performed on of managing consumer feedback in an electronic content management system for managing consumer feedback relating to published content, said method comprising:

- receiving electronically over an electronic network a feedback message from a consumer regarding published content, (pg. 4, *Express Response receives internet-based customer queries from all online channels, including web forms, email, FQA, chat and newsgroups, where the online channels are old and well known means for presenting feedback*) wherein said feedback message includes comments regarding the published content (p. 4, *Express Response teach that each message's content is reviewed i.e. Express Response analyzes each customer inquiry using a natural language*).
- determining that said information from said feedback message includes comments regarding published content (pg. 4, *Express Response analyzes each customer inquiry using natural language processing techniques*);
- generating a message based at least on the comments regarding published content located in said feedback message, through the use of the processor (pg. 5 *QPS takes unstructured customer inquiry, such as email and builds (generates) a structured data record in real-time and pg. 4 Inquiries that cannot be answered effectively from the knowledgebase can be immediately escalated to a human call center agent for assistance*;

where “escalation” is interpreted as a message label rather than an action take with respect to the message); and

- routing said comments regarding published content from said feedback message electronically via an electronic network to an electronic content management system, through the use of the processor, in order to close a communication loop between said content management system and said consumer; and (pg. 4, *Express Response receives inter-net based customer queries . . . Express Response analyzes each customer inquiry . . . Express Response searches its existing knowledgebase . . . Express Response generates relevant useable response*).

Island Data teaches Express Response agent responses are tracked and can be queued for capture into the knowledge base, but does not expressly teach storing information from said feedback message in an electronic database;

Sloo teaches in an analogues art storing information from said feedback message in an electronic database, through the use of a processor (col. 2, lines 57-60 and col. 5, lines 60-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Island Data the storing information from said feedback message in an electronic database as taught by Sloo since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

ordinary skill in the art would have recognized that the results of the combination were predictable.

Island data teaches tracking and monitoring user comments and feedback (p. 7) and Sloo also teaches tracking decisions with respect to disputes (figs. 2 and 3); however neither teaches generating a ticket message

Bice teaches generating a ticket message (0076).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Island Data and Sloo the generating a ticket message as taught by Bice since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 21 which is directed toward the computer program product, taught by Island Data (pg. 8) is dependent on and implied in the method of claim 1 and is therefore rejected based upon the same rationale given above.

Claim 4 and 24

Claim 4 Island Data, Sloo and Bice teach all the limitations of claim 1, further Island Data teaches comprising routing said message to a corporate wide help desk *is substantially similar to claim 1, in that the feedback is routed to a specific location/individual. The Examiner holds that the actual location/individual that receives the feedback is irrelevant since the act of receiving has no bearing on the functionality of the claim, the step of routing, which is preformed in the same manner regardless of*

the location/individual that receives the feedback. Therefore this claim is rejected for the same reasons given with regard to claim 1.

Further it is noted that neither Island Data nor Sloo expressly teaches ticket message however Bice does teach this feature (0076)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Island Data and Sloo the ticket message as taught by Bice since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 24 which is directed toward the computer program product, taught by Island Data (pg. 8) is dependent on and implied in the method of claim 4 and is therefore rejected based upon the same rationale given above.

Claim 6 and 26

Claim 6 Island Data, Sloo and Bice teach all the limitations of claim 1, further Island Data teaches comprising sending a response message to said consumer in response to said feedback message wherein said response message includes one or more predefined responses that are selected based on said feedback message (pg. 2 *identifying reusable knowledge and pg. 4 Express Response generates relevant, useable response to the end user from the knowledgebase, where predefined responses is the equivalent of reusable knowledge*).

Claim 26 which is directed toward the computer program product, taught by Island Data (pg. 8) is dependent on and implied in the method of claim 6 and is therefore rejected based upon the same rationale given above.

Claim 7 and 27

Claim 7 Island Data, Sloo and Bice teach all the limitations of claim 1, and further Island Data teaches comprising receiving a reply message from said consumer in reply to said response message, and repeating said steps of storing, determining, generating, and routing (pg. 2 and pg.5, figure; where it has been held that duplication (repeating) of effort has no patentable significance unless new and unexpected result is produced, *In re Harza, 124 USPQ 378 (CCPA 1960)*)

Island Data nor Sloo expressly teaches receiving a reply message from said consumer in reply to said response message; however it was old and well known capability in the art at the time the invention was made to allow one to respond to given information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the invention of Island Data, Sloo and Bice the receiving a reply message from said consumer in reply to said response message as taught by the old and well known capability since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 27 which is directed toward the computer program product, taught by Island Data (pg. 8) is dependent on and implied in the method of claim 7 and is therefore rejected based upon the same rationale given above.

13. Claims 2, 3, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Island Data (www.islanddata.com, published 09/24/2002), Sloo (US Patent 5,895,450) and Bice et al (US 2002/0188688 A1) and in further view of Pendakur (US Publication 2004/0073924 A1)

Claims 2 and 22

Claim 2 Island Data, Sloo and Bice teach all the limitations of claim 1, further *Island Data teaches a fully closed loop solution (pg. 1), capable of being integrated with existing applications and processes (pg. 1), highly configurable application that provides visitors to your website with multiple options for support (pg. 1) and an administration portal (pg. 10).*

Neither Island, Sloo nor Bice teaches further comprises forwarding said ticket message to an originating website.

Pendakur teaches forwarding said ticket message to an originating website (0066) in an analogous art for the purpose of broadcast scheduling and content selection.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the routing of feedback to the originating website. As evidenced by Pendakur it is within the capabilities of one of ordinary skill in the art to route feedback to the originating website in the invention of Island Data, Sloo and Bice

with the result in the routing of feedback to the originating website as needed in the invention of Island Data, Sloo and Bice. Thus would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Island Data, Sloo and Bice forwarding said ticket message to an originating website as taught by Pendakur since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 22 which is directed toward the computer program product, taught by Island Data (pg. 8) is dependent on and implied in the method of claim 2 and is therefore rejected based upon the same rationale given above.

Claims 3 and 23

Claim 3 Island Data, Sloo, Bice and Pendakur teach all the limitations of claim 2, and wherein said step-of forwarding said ticket message to an originating website includes forwarding said ticket message to a particular section within said originating website *is substantially similar to claim 2 in that the feedback is routed to a specific location/individual. The Examiner holds that the actual location/individual that receives the feedback is irrelevant since the act of receiving has no bearing on the functionality of the claim, the step of forwarding, which is preformed in the same manner regardless of the location/individual that receives the feedback. Therefore this claim is rejected for the same reasons given with regard to claim 2.*

Claim 23 which is directed toward the computer program product, taught by Island Data (pg. 8) is dependent on and implied in the method of claim 3 and is therefore rejected based upon the same rationale given above.

14. Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Island Data (www.islanddata.com, published 09/24/2002), Sloo (US Patent 5,895,450) and Bice et al (US 2002/0188688 A1) in further view of Gardenswartz et al (US Patent 6,055,573).

Claims 5 and 25

Claim 5 Island Data, Sloo and Bice teach all the limitations of claim 1, further Sloo teaches monitoring a complainant (col. 5, lines 29-32); however neither Island Data, Sloo nor Bice teaches comprising monitoring a content accessing activity of said consumer upon receiving said feedback message in order to track a consumption pattern of said consumer.

Gardenswartz teaches comprising monitoring a content accessing activity of said consumer upon receiving said feedback message in order to track a consumption pattern of said consumer (col. 2, lines 23-30)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the invention of Island Data, Sloo and Bice the monitoring a content accessing activity in order to track a consumption pattern of said consumer as taught by Gardenswartz since the claimed invention is merely a combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 25 which is directed toward the computer program product, taught by Island Data (pg. 8) is dependent on and implied in the method of claim 5 and is therefore rejected based upon the same rationale given above.

15. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Island Data (www.islanddata.com, published 09/24/2002), Sloo (US Patent 5,895,450) and Bice et al (US 2002/0188688 A1) in further view of Matthews et al (US Patent 6,865,268)

Claim 8 and 28

Claim 8 Island Data, Sloo and Bice teach all the limitations of claim 1, *and further Island Data teaches session history which maintains throughout the escalation process which provides comprehensive view of each customer interaction (pg.11) Island Data is silent on how the session histories are maintained and tracked. As such Island Data and Sloo are silent on comprising assigning a tracking number for said ticket message, and closing said ticket message after no further action is needed.*

Matthews teaches assigning a tracking number for said ticket message, and closing said ticket message after no further action is needed (*figure 8, #70*), and closing said ticket after said escalation feedback message is routed to said content management personnel (*figure 8 #58*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the invention of Island Data, Sloo, and Bice assigning

a tracking number for said ticket message, and closing said ticket message after no further action is needed as taught by Matthews since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 28 which is directed toward the computer program product, taught by Island Data (pg. 8) is dependent on and implied in the method of claim 8 and is therefore rejected based upon the same rationale given above.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DiLuoffo et al. (US Patent 7,464,159 B2) and Bouix et al. (US Patent 5,297,193) teach ticketing and tracking of customer comments, complaints, and feedback.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
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Primary Examiner, Art Unit 3623